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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/988,985	11/19/2001	Byeong H. Jo	D0932-00178	9526
8933	7590	01/27/2004	EXAMINER	
DUANE MORRIS, LLP ATTN: WILLIAM H. MURRAY ONE LIBERTY PLACE 1650 MARKET STREET PHILADELPHIA, PA 19103-7396			THOMPSON, CAMIE S	
			ART UNIT	PAPER NUMBER
			1774	
DATE MAILED: 01/27/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/988,985

Applicant(s)

JO ET AL.

Examiner

Camie S Thompson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 14-28 and 38-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 14-28 and 38-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. Examiner regrets the untimely reopening of prosecution.
2. Applicant's amendment and accompanying remarks filed on November 21, 2003 have been acknowledged.
3. Examiner acknowledges cancelled claims 1-13 and 29-37.
4. The rejection of claims 14-28 and 38-40 under Double Patenting is withdrawn due to applicant's argument and submission of terminal disclaimer.
5. The rejection of claims 14-28 and 38-40 under 35 U.S.C. 103(a) as being unpatentable is withdrawn due to applicant's argument and submission of terminal disclaimer.

### ***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
7. Claim 22 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 22 is rendered indefinite because it is unclear as to whether the fibers are aligned unidirectionally or are random. Claim 22 is dependent upon claim 14. Claim 14 discloses the fibers as being oriented in at least a first direction. It is unclear as to whether there more than one set of fibers.

***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

9. Claims 14, 16-21, 23-25 and 27 are rejected under 35 U.S.C. 102(a) as being anticipated by Serino et al., U.S Patent Number 6,357,197.

Serino discloses a composite structural member that can be used as lumber replacements and structural components such as rails and building materials as per instant claims 14 and 21 (see column 1, lines 5-19). Additionally, Serino discloses the composite comprises fiber-reinforcement and is covered with envelope that contains a polymeric capstock as per instant claims 14 and 17 (see column 12, lines 28-48 and reference claims 1 and 9). Serino also discloses that the fiber reinforcement has reinforcing fibers that can be glass, carbon or aramid and can be aligned and be in the form of a fabric as per instant claims 14, 19 and 24-25 (see column 12, lines 28-48). It is disclosed in the Serino reference that the fibers are reinforced in a thermoplastic matrix as per instant claim 27 (see column 12, lines 28-50). It is disclosed in the abstract and column 26, lines 5-10 of the Serino reference that the composite is environmentally stable, resist moisture absorption and can form complex shapes as per instant claims 14, 16, 20 and 23. Also, column 10, line 67-column 11, line 2 of the reference discloses that the composite is characterized as outdoor weatherable, UV resistant and has an excellent accommodation of color stability. Claim 20 of the reference discloses that the fiber content is about 20 to 60 weight percent as per instant claim 18.

***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 14-15, 23, 26, 28 and 38-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Serino et al., U.S. Patent Number 6,357,197 in view of Jambois, U.S. Patent Number 6,197,412.

Serino discloses a composite structural member that can be used as lumber replacements and structural components such as rails and building materials as per instant claims 14 and 38 (see column 1, lines 5-19). Additionally, Serino discloses the composite comprises fiber-reinforcement and is covered with envelope that contains a polymeric capstock as per instant claims 14 and 38 (see column 12, lines 28-48 and reference claims 1 and 9). Serino also discloses that the fiber reinforcement has reinforcing fibers that can be glass, carbon or aramid and can be aligned and be in the form of a fabric as per instant claims 14 and 38-39 (see column 12, lines 28-48). It is disclosed in the Serino reference that the fibers are reinforced in a thermoplastic matrix as per instant claim 14 and 38 (see column 12, lines 28-50). It is disclosed in the abstract and column 26, lines 5-10 of the Serino reference that the composite is environmentally stable, resist moisture absorption and can form complex shapes as per instant claims 14, 23 and 38. Also, column 10, line 67-column 11, line 2 of the reference discloses that the composite is characterized as outdoor weatherable, UV resistant and has an excellent accommodation of color stability. Serino discloses in column 3, lines 56-68 that the length of the

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composite can be 3 to 30 cm as per instant claim 28. The Serino reference does not disclose that the capstock has a dark color and the composite reinforcement comprises a pultrusion as per instant claims 15, 26, 28 and 40. Jambois teaches a fiber reinforced plastic component wherein the component can be a pultrusion and is durable and weather resistant (see column 1, lines 14-24). The Jambois reference also teaches that the capstock may have pigments, ultraviolet absorbers or blockers. The dark color of the capstock provides higher thermoresistance. Therefore, it would have been obvious to one of ordinary skill in the art to have a capstock with dark color in order to provide a composite that is weather resistant (see Jambois: column 2, lines 20-28).

### ***Response to Arguments***

12. Applicant's arguments with respect to claims 14-29 and 38-40 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Camie S. Thompson whose telephone number is (571) 272-1530. The examiner can normally be reached on Monday through Friday from 7:30 am to 4:00 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cynthia H. Kelly, can be reached at (571) 272-1526. The fax phone number for the Group is (703) 872-9306. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-1014.

*Cynthia Kelly*